

105TH CONGRESS
1ST SESSION

S. 213

To amend section 223 of the Communications Act of 1934 to repeal amendments on obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1996 and to restore the provisions of such section on such use in effect before the enactment of the Communications Decency Act of 1996.

IN THE SENATE OF THE UNITED STATES

JANUARY 28, 1997

Mr. LEAHY (for himself, Mr. FEINGOLD, and Mr. JEFFORDS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To amend section 223 of the Communications Act of 1934 to repeal amendments on obscene and harassing use of telecommunications facilities made by the Communications Decency Act of 1996 and to restore the provisions of such section on such use in effect before the enactment of the Communications Decency Act of 1996.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. REPEAL OF PROVISIONS ON OBSCENE AND**
 2 **HARASSING USE OF TELECOMMUNICATIONS**
 3 **FACILITIES ENACTED BY COMMUNICATIONS**
 4 **DECENCY ACT OF 1996.**

5 Section 223 of the Communications Act of 1934 (47
 6 U.S.C. 223) is amended by striking subsections (a) and
 7 (d) through (h).

8 **SEC. 2. RESTORATION OF PROVISIONS ON OBSCENE AND**
 9 **HARASSING USE OF TELECOMMUNICATIONS**
 10 **FACILITIES IN EFFECT BEFORE COMMUNICA-**
 11 **TIONS DECENCY ACT OF 1996.**

12 Section 223 of the Communications Act of 1934 (47
 13 U.S.C. 223), as amended by section 1 of this Act, is fur-
 14 ther amended by inserting before subsection (b) the follow-
 15 ing new subsection (a):

16 “(a) Whoever—

17 “(1) in the District of Columbia or in interstate
 18 or foreign communications by means of telephone—

19 “(A) makes any comment, request, sugges-
 20 tion or proposal which is obscene, lewd, lasciv-
 21 ious, filthy, or indecent;

22 “(B) makes a telephone call, whether or
 23 not conversation ensues, without disclosing his
 24 identity and with intent to annoy, abuse,
 25 threaten, or harass any person at the called
 26 number;

1 “(C) makes or causes the telephone of an-
2 other repeatedly or continuously to ring, with
3 intent to harass any person at the called num-
4 ber; or

5 “(D) makes repeated telephone calls, dur-
6 ing which conversation ensues, solely to harass
7 any person at the called number; or

8 “(2) knowingly permits any telephone facility
9 under his control to be used for any purpose prohib-
10 ited by this section,
11 shall be fined not more than \$50,000 or imprisoned not
12 more than six months, or both.”.

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